

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA**

State of Oklahoma, et al.,)	
)	05-CV-0329 GKF-SAJ
)	
Plaintiffs,)	
v.)	
)	THE CARGILL DEFENDANTS'
Tyson Foods, Inc., et al.,)	NOTICE OF JOINDER IN
)	DEFENDANTS' MOTION
Defendants.)	FOR SCHEDULING CONFERENCE
)	

Defendants Cargill, Inc. and Cargill Turkey Production, LLC (“the Cargill Defendants”), through their undersigned attorneys, hereby join and adopt Defendants’ Joint Motion For Additional Time To Produce Expert Reports And Integrated Brief In Support, Docket No. 1722, filed on June 12, 2008. The Cargill Defendants believe that the Joint Defendants’ motion persuasively lays out the history and character of Plaintiffs’ expert disclosures and Defendants’ consequent need for additional time both to make their expert disclosures generally and to make the disclosures with respect to certain experts specifically. The Cargill Defendants offer several additional points in support of extension.

First, the Court has previously determined in hearing Plaintiffs’ motion to delay Plaintiffs’ expert report deadline that the Cargill Defendants have been prejudiced by Plaintiffs’ delay, and acknowledged that the Cargill Defendants would be also prejudiced by the further delay the Court nonetheless granted to Plaintiffs. (Mar. 26, 2008 Telephonic Hrg.) Plaintiffs also have repeatedly emphasized the “necessity” of sampling during the wet and rainy spring season. (E.g., Dkt. No. 210 at 5 (also representing that spring sampling is “essential to characterizing the source and nature of pollutants”)). Plaintiffs’ continued

piecemeal release of additional data and reliance materials relating to Plaintiffs' expert disclosures, however, have prevented the Cargill Defendants from conducting a rebuttal test program during Spring 2008. Such testing, if determined important after Plaintiffs finally deliver all their underlying data, could not occur until Spring 2009 at the earliest. In sum, Plaintiffs' delay has blocked Defendants' right to equal access to data for a full year.

In addition, the need may arise for the Cargill Defendants or other Defendants, collectively or separately, to retain additional experts either to assist the existing experts because of time constraints or to perform new analyses based on new disclosures. These concerns arise in particular with respect to the four subject areas discussed on pages 12-21 of Defendants' joint motion, areas in which either the nature and timing of Plaintiffs' disclosures or the subject matter of the expert opinion itself dictates a longer preparation period.

The Cargill Defendants therefore urge the Court to grant Defendants' motion and to extend the deadline for all expert disclosures in the following subject areas, including but not limited to the specific experts named in Defendants' motion, to the dates that motion proposes, specifically:

Drinking Water Quality	December 15, 2008
Erosion	January 5, 2009
Modeling	February 5, 2009
Aquatic Ecology and Limnology	May 30, 2009

Respectfully submitted,

**RHODES, HIERONYMUS, JONES, TUCKER & GABLE,
PLLC**

BY: /s/ John H. Tucker, OBA #9110
JOHN H. TUCKER, OBA #9110
THERESA NOBLE HILL, OBA #19119
100 W. Fifth Street, Suite 400 (74103-4287)
P.O. Box 21100
Tulsa, Oklahoma 74121-1100
Telephone: 918/582-1173
Facsimile: 918/592-3390

And

DELMAR R. EHRLICH
BRUCE JONES
KRISANN C. KLEIBACKER LEE
FAEGRE & BENSON LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, Minnesota 55402
Telephone: 612/766-7000
Facsimile: 612/766-1600

**ATTORNEYS FOR CARGILL, INC. AND CARGILL
TURKEY PRODUCTION, LLC**

CERTIFICATE OF SERVICE

I certify that on the 30th day of June, 2008, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

W. A. Drew Edmondson, Attorney General
Kelly Hunter Burch, Assistant Attorney General
J. Trevor Hammons, Assistant Attorney General
Robert D. Singletary
Daniel Lennington, Assistant Attorney General

drew_edmondson@oag.state.ok.us
kelly_burch@oag.state.ok.us
trevor_hammons@oag.state.ok.us
Robert_singletary@oag.state.ok.us
Daniel.lennington@oag.ok.gov

Melvin David Riggs
Richard T. Garren
Sharon K. Weaver
David P. Page
Riggs Abney Neal Turpen Orbison & Lewis

driggs@riggsabney.com
rgarren@riggsabney.com
sweaver@riggsabney.com
dpage@riggsabney.com

Robert Allen Nance
Dorothy Sharon Gentry
Riggs Abney

rnance@riggsabney.com
sgentry@riggsabney.com

Louis W. Bullock
Robert M. Blakemore
Miller Keffer & Bullock

lbullock@mkblaw.net
rblakemore@mkblaw.net

William H. Narwold
Elizabeth C. Ward
Frederick C. Baker
Lee M. Heath
Elizabeth Claire Xidis
Motley Rice

bnarwold@motleyrice.com
lward@motleyrice.com
fbaker@motleyrice.com
lheath@motleyrice.com
cxidis@motleyrice.com

COUNSEL FOR PLAINTIFFS

Stephen L. Jantzen
Paula M. Buchwald
Ryan, Whaley & Coldiron, P.C.

sjantzen@ryanwhaley.com
pbuchwald@ryanwhaley.com

Mark D. Hopson
Jay Thomas Jorgensen
Timothy K. Webster
Gordon D. Todd
Sidley Austin LLP

mhopson@sidley.com
jjorgensen@sidley.com
twebster@sidley.com
gtodd@sidley.com

Michael R. Bond
Erin W. Thompson
LLP

michael.bond@kutakrock.com
erin.thompson@kutakrock.com Kutack Rock

**COUNSEL FOR TYSON FOODS, INC., TYSON POULTRY, INC., TYSON CHICKEN, INC.;
AND COBB-VANTRESS, INC.**

R. Thomas Lay
Kerr, Irvine, Rhodes & Ables

rtl@kiralaw.com

Jennifer S. Griffin
Lathrop & Gage, L.C.

jgriffin@lathropgage.com

COUNSEL FOR WILLOW BROOK FOODS, INC.

Robert P. Redemann
Lawrence W. Zeringue
David C. Senger

rredemann@pmrlaw.net
lzeringue@pmrlaw.net
dsenger@pmrlaw.net

Perrine, McGivern, Redemann, Reid, Berry & Taylor, PLLC

Robert E. Sanders
E. Stephen Williams
Young Williams P.A.

rsanders@youngwilliams.com
steve.williams@youngwilliams.com

COUNSEL FOR CAL-MAINE FOODS, INC. AND CAL-MAINE FARMS, INC.

George W. Owens
Randall E. Rose
The Owens Law Firm, P.C.

gwo@owenslawfirmmpc.com
rer@owenslawfirmmpc.com

James M. Graves
Gary V. Weeks
Paul E. Thompson, Jr.
Woody Bassett
K.C. Dupps Tucker

jgraves@bassettlawfirm.com

Bassett Law Firm

COUNSEL FOR GEORGE'S INC. AND GEORGE'S FARMS, INC.

John R. Elrod
Vicki Bronson
Bruce W. Freeman
Conner & Winters, LLLP

jelrod@cwlaw.com
vbronson@cwlaw.com
bfreeman@cwlaw.com

COUNSEL FOR SIMMONS FOODS, INC.

A. Scott McDaniel
Nicole M. Longwell
Philip D. Hixon
Craig Mirkes

smcdaniel@mhla-law.com
nlongwell@mhla-law.com
phixon@mhla-law.com
cmirkes@mhla-law.com

McDaniel, Hixon, Longwell & Acord, PLLC

Sherry P. Bartley

sbartley@mws gw.com

Mitchell Williams Selig Gates & Woodyard

COUNSEL FOR PETERSON FARMS, INC.

Michael D. Graves
Dale Kenyon Williams, Jr.

mgraves@hallestill.com
kwilliams@hallestill.com

COUNSEL FOR CERTAIN POULTRY GROWERS

Mia Vahlberg

mvahlberg@gablelaw.com

COUNSEL FOR NATIONAL CHICKEN COUNCIL,

**U.S. POULTRY & EGG ASSOCIATION AND NATIONAL
TURKEY FEDERATION**

Adam J. Siegel
James T. Banks

ajsiegel@hhlaw.com
jtbanks@hhlaw.com

John D. Russell
ATTORNEYS FOR ARKANSAS FARM BUREAU FEDERATION

jrussell@fellerssnider.com

Barry G. Reynolds
**ATTORNEYS FOR AMERICAN FARM BUREAU FEDERATION
AND NATIONAL CATTLEMEN'S BEEF ASSOCIATION**

Reynolds@titushillis.com

Jessica E. Rainey
**ATTORNEYS FOR AMERICAN FARM BUREAU FEDERATION
AND NATIONAL CATTLEMEN'S BEEF ASSOCIATION**

jrainey@titushillis.com

M. Richard Mullins
**ATTORNEYS FOR TEXAS FARM BUREAU,
TEXAS CATTLE FEEDERS ASSOCIATION,
TEXAS PORK PRODUCERS ASSOCIATION, AND
TEXAS ASSOCIATION OF DAIRYMEN**

Richard.mullins@mcafeetaft.com

William A. Waddell, Jr.

waddell@fec.net

I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following who are not registered participants of the ECF System:

C. Miles Tolbert
Secretary of the Environment
State of Oklahoma
3800 North Classen
Oklahoma City, OK 73118
COUNSEL FOR PLAINTIFFS

Charles L. Moulton
Arkansas Natural Resources Commission
323 Center Street
Suite 200
Little Rock, AR 72206

s/ John H. Tucker